

BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:

MAURICE PERKINS, INNER CITY
YOUTH & ADULT FOUNDATION, INC.

Petitioner,

VS .

No. 08-0648

PEOPLES GAS, LIGHT AND COKE
COMPANY,

Respondent ,

Complaint as to billing/charges)
in Chicago, Illinois.)

Chicago, Illinois

December 30, 2008

Met pursuant to notice at 2:00 p.m.

BEFORE :

TERRENCE HILLIARD, Administrative Law Judge.

APPEARANCES :

MR. MAURICE PERKINS
4500 South Michigan Avenue
Chicago, Illinois 60653
Appearing for the Petitioner;

MR. MARK L. GOLDSTEIN
3019 Province Circle
Mundelein, Illinois 60060
Appearing for the Respondent.

SULLIVAN REPORTING COMPANY, by
Steven T. Stefanik, CSR

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I N D E X

	Re-	Re-	By
<u>Witnesses:</u>	<u>Direct</u>	<u>Cross</u>	<u>Examiner</u>

None .

E X H I B I T S

<u>Number</u>	<u>For Identification</u>	<u>In Evidence</u>

None so marked.

1 JUDGE HILLIARD: All right.

2 On behalf of the Illinois Commerce
3 Commission, I call Docket 08-0648, Maurice Perkins,
4 Inner City Youth and Adult Foundation, Inc., versus
5 Peoples Gas, Light and Coke Company.

6 Can the parties, beginning with
7 Mr. Perkins, identify themselves for the record,
8 please.

9 MR. MAURICE PERKINS: My name is Maurice
10 Perkins. I'm representing the Inner City Youth
11 Foundation.

12 JUDGE HILLIARD: Okay. Your address?

13 MR. MAURICE PERKINS: 4500 South
14 Michigan Avenue, Chicago, Illinois 60653.

15 JUDGE HILLIARD: Okay.

16 MR. GOLDENBERG: On behalf of the Peoples Gas,
17 Light and Coke Company, Mark L. Goldstein,
18 3019 Province Circle, Mundelein, Illinois 60060.
19 My telephone number is (847) 948-1340.

20 And I have with me today Cynthia Hood
21 and Soledad Barrigan of Peoples Gas.

22 JUDGE HILLIARD: Okay. This is the first time

1 this is up.

2 Quite often, parties can resolve these
3 things. Have you had a chance to discuss this with
4 the Company or the complainant, gentlemen?

5 MR. GOLDSTEIN: We have not had that
6 opportunity, Judge.

7 JUDGE HILLIARD: Would it be -- do you think
8 it'd be a benefit to maybe take a minute and talk
9 about it?

10 MR. GOLDSTEIN: Yes, I do.

11 MR. MAURICE PERKINS: Your Honor, I just really
12 don't see the benefit of us having a discussion.
13 I've been here before. I suffered in this
14 situation, you know, kind of living in the cold.
15 What do we talk about, you know?

16 I mean, I just don't see anything for us
17 to really talk about.

18 JUDGE HILLIARD: Well, that's fine. The Company
19 seems to think it might help. It couldn't hurt.
20 If it -- you know, if they make you an offer you're
21 interested in, fine; if not, we can move ahead.

22 We generally don't have a hearing on the

1 first day. I read from your complaint that you're
2 in the cold. If you want to have a hearing, we can
3 have a hearing, but I can tell you the Commission
4 doesn't have any jurisdiction over antitrust laws.
5 I'm not sure we can --

6 MR. MAURICE PERKINS: Does this Commission have
7 subpoena power?

8 JUDGE HILLIARD: To do that, you'd have to file
9 a motion for the issuance of a subpoena. It has to
10 go to the Commission and the Commission has to --
11 has to enter an order allowing the issuance of the
12 subpoena. And there won't be any Commission
13 meetings for a while. Not until next year.

14 So I'm going to leave the room for a
15 minute. If you -- you want to talk, fine. If you
16 decide it's not productive, just come to the office
17 and let me know.

18 (Recess taken.)

19 JUDGE HILLIARD: All right.

20 We're back on the record.

21 Mr. Goldstein, you have something you
22 want to say?

1 JUDGE GOLDSTEIN: Yes. I've had a discussion
2 with Mr. Perkins and it's led absolutely no place.
3 Mr. Perkins really is demanding that he have his
4 day before the Commission.

5 JUDGE HILLIARD: Okay.

6 MR. GOLDSTEIN: I would point out that even
7 though Inner City Youth and Adult Foundation is a
8 not-for-profit corporation, it is a corporation and
9 Mr. Perkins cannot represent the corporation. He
10 has to have an attorney under Commission rules.

11 JUDGE HILLIARD: Well, he's individually named
12 here as a complainant also. He can certainly
13 represent himself, if he chooses to do so.

14 MR. GOLDSTEIN: The account at 4500 South
15 Michigan, which is what's at issue here, Judge, is
16 in the name of the corporation.

17 JUDGE HILLIARD: What's your response to that,
18 Mr. Perkins?

19 MR. MAURICE PERKINS: The account is in both
20 names, your Honor.

21 And if during these proceedings that I
22 fall short, I will try to get counsel.

1 JUDGE HILLIARD: Okay. Do you have the official
2 documents regarding the account?

3 Are there two names on the account?

4 MS. SOLEDAD BARRIGAN: No, there's only one
5 name.

6 MR. GOLDSTEIN: Well, I'm advised that there's
7 only one name on the account, Judge.

8 JUDGE HILLIARD: Okay.

9 MR. GOLDSTEIN: Now, the statement we have here,
10 Judge, just shows Inner City Youth Foundation.

11 JUDGE HILLIARD: All right.

12 Is there any information, discovery that
13 needs to take place here?

14 Do you have any information you want
15 from the Company, Mr. Perkins?

16 MR. MAURICE PERKINS: I'd probably, you know,
17 like to request the monthly printouts on the bill
18 for the last couple years. I could get that again,
19 if that's possible.

20 JUDGE HILLIARD: Okay.

21 MR. MAURICE PERKINS: And, you know, I think
22 that would be just about all that I would be asking

1 for in discovery.

2 But if I find that I need other things,
3 Judge, could I make a request?

4 JUDGE HILLIARD: Sure.

5 The way we usually handle that is you
6 send a written request to the other side. And if
7 there's a problem, then you let me know.

8 MR. MAURICE PERKINS: Okay.

9 JUDGE HILLIARD: But if your request today is
10 that you get a copy of the statements for the
11 account for the last -- how long a period of time
12 can you supply him with the statements?

13 MR. GOLDSTEIN: Two years, Judge.

14 JUDGE HILLIARD: Two years?

15 All right.

16 How much time do you need to do that?

17 MR. GOLDSTEIN: We can do that within, say,
18 seven or eight days.

19 JUDGE HILLIARD: All right.

20 Taking into account we got a holiday
21 here?

22 MR. GOLDSTEIN: Yes.

1 JUDGE HILLIARD: Okay.

2 MR. GOLDSTEIN: I would point out, Judge, that
3 we do have one bill here. And it's definitely
4 within -- in the name of Inner City Youth
5 Foundation.

6 JUDGE HILLIARD: Okay.

7 All right. Mr. Perkins, if you're going
8 to proceed with this, I think you're going to need
9 counsel for the Foundation. If you have
10 information or if you have any documentation that
11 the account is in your name as well as the
12 Foundation, you can represent, you know, your
13 interest or your claims here.

14 But if you got --

15 MR. MAURICE PERKINS: Well, I'm interested in
16 obtaining the documents when I first applied for
17 service --

18 JUDGE HILLIARD: Okay.

19 MR. MAURICE PERKINS: -- because it should be
20 reflected in those documents.

21 JUDGE HILLIARD: How long ago was that?

22 MR. MAURICE PERKINS: Well, we've been in the

1 building since about '96.

2 JUDGE HILLIARD: Okay.

3 MR. MAURICE PERKINS: But November '95. We
4 probably may have made the application for service
5 in '95 or '96.

6 JUDGE HILLIARD: All right.

7 Do you have documents like that?

8 MR. GOLDSTEIN: I sort of doubt that we have the
9 documents that go back 13, 14 years.

10 Mr. Perkins and I have had a prior
11 complaint at the Commission. I was -- I'm thinking
12 it's about three years ago.

13 MR. MAURICE PERKINS: Maybe five. Maybe five.

14 MR. GOLDSTEIN: And I know we don't go back that
15 far.

16 JUDGE HILLIARD: All right.

17 This has come up before and I know they
18 don't have records that go back a real long way.

19 MR. MAURICE PERKINS: And, your Honor, I'm also
20 trying to understand why do I have to be without
21 service and under duress while I contest these
22 issues?

1 Why does that have to occur?

2 JUDGE HILLIARD: What's your response?

3 MR. GOLDSTEIN: Judge, service was terminated in
4 April of this year, well prior to the time that
5 Mr. Perkins filed the instant complaint.

6 At the time, there was a very large
7 balance owed on the Inner City Youth gas account.
8 The Company was perfectly within its rights to
9 terminate service.

10 He has not -- the Foundation has not
11 made a payment since April of this year. They were
12 terminated in August. There's nothing in the rules
13 that says we have to reconnect the service.

14 MR. MAURICE PERKINS: Your Honor, we have
15 offered several times to make partial payments.

16 Ms. Ellison and her husband,
17 Mr. Ellison, we've met and we've talked. And they
18 say got to have -- they say they got to have every
19 dime of their money, you know, even in this kind of
20 economic climate with foreclosures galore -- and
21 I'm participating in a foreclosure as well.

22 I think that it is an extreme measure,

1 taking a look at the economic conditions that are
2 happening in this country today, that they should
3 be in a position to demand all because even loans
4 are being modified today. Banks are being bailed
5 out today. GM is being bailed out.

6 Now, myself as a consumer am taking an
7 additional hardship in them demanding all.
8 Nobody's demanding all that today, your Honor,
9 other than Peoples Gas.

10 MR. GOLDSTEIN: Judge, may I respond?

11 JUDGE HILLIARD: Sure.

12 MR. GOLDSTEIN: What I attempted to do while you
13 were out of the hearing room was try to find a way
14 to have service restored, and that, obviously,
15 would require some payment by either the Inner City
16 Youth Foundation or Mr. Perkins.

17 Mr. Perkins was not interested in making
18 any payment towards getting service restored. So
19 that was the impasse and that's why we have to set
20 this for an evidentiary hearing.

21 JUDGE HILLIARD: All right.

22 You've made two document requests. One

1 is regarding the account opening documents that
2 they may or may not have. How long will it take
3 you to determine whether or not you have those?

4 Same amount of time?

5 MS. SOLEDAD BARRIGAN: Yeah.

6 JUDGE HILLIARD: All right.

7 So that you should respond to
8 Mr. Perkins on that request and on his other
9 request regarding account statements within a week.
10 Is that all right?

11 MR. GOLDSTEIN: Yes.

12 JUDGE HILLIARD: Say a week from Friday?

13 MS. SOLEDAD BARRIGAN: (Nodding.)

14 MR. GOLDSTEIN: That will be fine, Judge.

15 JUDGE HILLIARD: Do you have any information you
16 need from Mr. Perkins?

17 MR. GOLDSTEIN: I do not believe we need any
18 information from Mr. Perkins.

19 JUDGE HILLIARD: Okay. All right.

20 So you're going to respond by
21 January 9th.

22 And do you want to -- you're going to

1 have to get counsel and come back here and be ready
2 for a hearing or are you -- how do you want to work
3 that?

4 MR. MAURICE PERKINS: But, your Honor, you never
5 ruled on my request to have my service restored.
6 See, this is --

7 JUDGE HILLIARD: All right.

8 MR. MAURICE PERKINS: This is what --

9 JUDGE HILLIARD: If you can make a payment, they
10 may accommodate you. I don't have any authority to
11 tell them to turn your service back on.

12 MR. MAURICE PERKINS: If you don't have any
13 authority, why are we here?

14 JUDGE HILLIARD: Sir, I have authority under the
15 Act.

16 As explained to me by counsel, the
17 service on this account was turned off during the
18 summer months. It was turned off pursuant to
19 nonpayment and the normal processes.

20 The Commission can forestall the turning
21 off of service during the winter months and/or it
22 can order the restoration of service if the -- if

1 the Company's turn-off was illegal. That doesn't
2 seem to be the case here.

3 You haven't indicated to me how it was
4 that their turning off the service in the summer
5 was illegal.

6 MR. MAURICE PERKINS: It was -- it was illegal
7 based on the fact that we had disputed issues that
8 were before.

9 JUDGE HILLIARD: You didn't file a complaint at
10 that time, did you?

11 MR. MAURICE PERKINS: I filed a complaint, but
12 you see -- see, even that process there is faulty
13 and it lends itself to Peoples Gas.

14 I filed a complaint six months ago.
15 They called me three months later, tell me that's
16 not a formal complaint. That's an informal -- see,
17 all of this process lends itself to the benefit of
18 Peoples Gas.

19 I thought I was filing a formal
20 complaint. Somebody going to call me back three
21 months later and tell me I ain't filing a formal
22 complaint; that it's informal complaint? What are

1 we playing with this complaint? Now, we're talking
2 about business? It was business with me when I
3 walked in the room, your Honor.

4 And for them to disconnect my gas, I go
5 to the Company. They read the meter. They take
6 another \$800 off the bill. It's -- there's a lot
7 of goings-on here, and I'm down here asking
8 appointed and elected officials to hear what I'm
9 saying about this.

10 I mean, I really want to be heard, and I
11 think you could offer some remedy or at least
12 attempt to arbitrate where I can come out the cold
13 with me and my kids and all of us. We down there
14 cold.

15 This country is in a financial crisis
16 and he's telling me every dime. And some of the
17 largest corporations in this country are asking for
18 charity. They already getting SETA money, charity
19 money. You know, extend some of that charity.
20 Since they already on the government payroll with
21 SETA money and taking charity, send some of that
22 charity this way.

1 I mean, it costs them nothing. They
2 charge me \$1200 a month for gas a couple months. I
3 sent them \$2,000. They next month, they charge me
4 \$2,500. It's just a dam -- I'm sorry, your Honor,
5 but I'd like to come out the cold. I've been in
6 the cold for quite some time. They said I owe them
7 5800. They say I was owing them 7500 before I
8 asked them to come out and read the meter. Now,
9 that's down to 5800.

10 These are the kinds of things and
11 inconsistencies. We owe 7500. They come out and
12 read the meter, it's down to 5800. Then, you know,
13 I paid 2,000. They charge me 2200 for a month. I
14 don't pay -- I got 6,000 square feet, your Honor.
15 I mean, you can take me out from this duress right
16 here and now about being in the cold. I have no
17 way around them.

18 You spoke about antitrust laws when we
19 first walked in here. I know you don't have the
20 authority really to litigate them to the point of
21 these violations, but federal law says it shouldn't
22 be like this.

1 Now, all I'm asking to do is bring me
2 and my family and people that I work with out of
3 the cold. You can do that. I mean, you can do
4 that.

5 JUDGE HILLIARD: You have something you want to
6 say, Mr. Goldstein?

7 MR. GOLDSTEIN: I think I've said what needs to
8 be said, Judge.

9 JUDGE HILLIARD: All right.

10 I see no indication that the turn-off
11 was illegal or inappropriate. Mr. Goldstein has
12 indicated that he's -- if you're willing to make
13 some kind of a payment, to turn your gas back on.

14 MR. MAURICE PERKINS: What kind of payment is
15 that?

16 JUDGE HILLIARD: I don't know, sir.

17 MR. MAURICE PERKINS: I offered him a third of
18 the bill. I mean, the whole country's going down
19 the slide. You know, I offered them a third --
20 yes, I did. I talked to Mr. Ellison.

21 JUDGE HILLIARD: Today. Did you agree to make a
22 payment today when he approached you?

1 MR. MAURICE PERKINS: Well, when he turned me
2 down and said, you know, I didn't know -- I didn't
3 know if it was --

4 JUDGE HILLIARD: Do you want to make a payment
5 today to get your gas turned back on? Because I'm
6 not going to order them to turn your gas back on
7 unless you make some arrangement with them today.

8 MR. MAURICE PERKINS: I'm not going to be able
9 to pay it today. I might be able to do something
10 about it in five or six days, maybe a third of the
11 bill. I offered that before it went off.

12 JUDGE HILLIARD: But we're talking about right
13 here, right now.

14 MR. MAURICE PERKINS: If I could get seven days,
15 I could come up with a third of the bill. And I
16 try to keep my plan during this official
17 proceedings.

18 Everybody -- they modifying loans all
19 over the country. Jesus Christ.

20 MR. GOLDSTEIN: Well, Judge, obviously, if
21 Mr. Perkins were to come up with \$2,000, we would
22 turn his service back on.

1 JUDGE HILLIARD: All right.

2 And how long is it going to take you

3 after you get that money to turn the service on?

4 MR. GOLDSTEIN: He's got to come up with either

5 certified funds or a money order, something that's,

6 you know, not a personal check.

7 JUDGE HILLIARD: I understand.

8 MR. GOLDSTEIN: And it will take just a couple

9 days.

10 JUDGE HILLIARD: Till when?

11 MR. GOLDSTEIN: Within a couple days, service

12 would be restored.

13 JUDGE HILLIARD: All right.

14 I'm afraid that's all I can do for you.

15 You pay them two grand and they'll turn your

16 service on within a day or two.

17 MR. MAURICE PERKINS: Okay. That give me

18 something to work toward. I appreciate that.

19 And, you know, and I'm down here about

20 this -- the rate thing, too, your Honor.

21 I mean, when they state running me at

22 R-2 at that corporate level, like I'm a big

1 business, I'm a little charity shelter down there.

2 Our income was \$32,000 last year. We're not here

3 trying to be start or brave. We can't afford it.

4 And the building is up for sale and in

5 foreclosure because they created a lot of vacant

6 land out there in our community. When they shut

7 the gas off, the building dies. It just a skeleton

8 and people have to move on.

9 I mean, just, you know, it's lot of

10 carnage, but, you know, I appreciate what you're

11 doing here. I know it's bigger than the both of

12 us, your Honor, but I appreciate what you're trying

13 to do.

14 JUDGE HILLIARD: Okay. All right.

15 When do you want to come back? Sometime

16 after January -- January 9th?

17 How about January 15th?

18 MR. MAURICE PERKINS: Martin Luther King.

19 MR. GOLDSTEIN: I definitely can be here that

20 day. Good day.

21 Same time, your Honor?

22 JUDGE HILLIARD: The holiday is on the 19th, but

1 King's birthday is the 15th.

2 Yeah, 10:00 o'clock, is that a good
3 time?

4 MR. MAURICE PERKINS: That's fine, sir.

5 MR. GOLDSTEIN: Yeah.

6 JUDGE HILLIARD: Good time?

7 All right.

8 MR. GOLDSTEIN: And is that for status, Judge?

9 JUDGE HILLIARD: Are you going to be ready for
10 trial on the 15th?

11 Are you going to have a chance to
12 analyze that that and show it to your lawyer?

13 MR. MAURICE PERKINS: And if I get the right
14 documents, then, you know, I should be prepared.

15 JUDGE HILLIARD: Or do you want more time so
16 you --

17 MR. MAURICE PERKINS: Your Honor, if I find a
18 need, I would like to make that request in writing
19 and I'll make it in ample time to you and counsel.

20 JUDGE HILLIARD: Okay. All right.

21 We'll do a -- we'll set it as a hearing
22 date. And if you -- if you decide you want to make

1 it at a status, you let Mr. Goldstein know by
2 telephone.

3 MR. MAURICE PERKINS: Yes, sir.

4 JUDGE HILLIARD: And you can file -- you can
5 file something the clerk the Commission.

6 Do you E-mail access?

7 MR. MAURICE PERKINS: Yes, sir.

8 JUDGE HILLIARD: You can do your -- you have to
9 become a filer. I don't know. That might --
10 there's a procedure to do that. So you can do it
11 in writing, too.

12 MR. MAURICE PERKINS: We'll work it at it.

13 JUDGE HILLIARD: All right.

14 MR. MAURICE PERKINS: Thank you.

15 (Whereupon, said hearing was
16 continued to January 15th,
17 2009 at 10:00 a.m.)

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